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UNITED STATES DISTRICT COURT  
  
FOR THE DISTRICT OF OREGON  
  
PORTLAND DIVISION

MARLIN ARD	)	CASE NO.	3:20-cv-02143 MO
Plaintiff	)		
_____	)		
v.	)	COMPLAINT	
OREGON STATE BAR (public	)		
corporation defined in ORS 9.010 (2),	)		
COURTNEY DIPPLE	)		
(OSB No. 022916), MERRY)	)		
ANN MOORE, an individual, ROB	)		
CORRIGAN, an individual, and	)		
DOES 1-100,	)		
Defendants	)		
	)		
	)		
<b><u>DEMAND FOR JURY TRIAL</u></b>	)		

1 PLAINTIFF'S COMPLAINT  
Case No. 3:20-cv-02143

Marlin Ard  
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**I.**

**INTRODUCTION AND FACTS COMMON TO ALL CLAIMS**

1. PLAINTIFF MARLIN ARD brings this action for vindication of his civil rights under the Fourteenth Amendment to the United States Constitution (hereinafter referred to as the Federal Due Process and Equal Protection Claim), Title VII of the 1964 Civil Rights Act (42 U.S.C. Sec 1981 and 42 U.S.C. Sec 1983, hereinafter referred to as Section 1983 Claim), and the Oregon Constitution Art. 1, Sec 20 (hereinafter referred to as the State Equal Privileges and Immunities Claim), and Oregon State Bar Rules, Title 4, Rules 4.1 *et seq.*

2. From 2007 until February, 2012, Niklas Goertzen (Goertzen) was the girls' soccer coach for at Sisters High School, in Sisters School District No. 6.

3. In 2010 Goertzen was named League Coach of the Year, based on a vote of girls' soccer coaches and athletic directors from other schools in the League. In 2011 Goertzen again was voted League Coach of the Year and State Coach of the Year, based on votes from state girls' soccer coaches and athletic directors in the State of Oregon. Prior to his coaching career, Goertzen had attended and graduated from Oregon State University, where he competed as a Division 1 athlete running track.

4. Two parents, Merry Ann Moore and her then husband Rob Corrigan (DEFENDANTS MOORE and CORRIGAN, herein), were dissatisfied with the playing time accorded their daughter and complained to school officials and Sisters School District administrators, and urged that Goertzen be fired. Soon thereafter, in February 2012, employer, Sisters School District No 6 and Sisters High School terminated Goertzen from his coaching position as the Girls' Sisters High School soccer team coach.

5. At this time, PLAINTIFF ARD was licensed to practice law in the State of Oregon but only as a Pro Bono attorney as part of the Bar's Pro Bono Program. PLAINTIFF ARD then undertook to represent Goertzen on a Pro Bono basis regarding his unlawful termination, and continued to do so throughout the court proceedings that followed in Deschutes County Circuit Court and before the Oregon Court of Appeals.

6. During this time, in 2011 and 2012, DEFENDANTS MOORE and CORRIGAN, who at the time were living together as husband and wife, actively campaigned school officials and, in particular, the school Principal Joe Hosang, to fire Goertzen, with an onslaught of emails and other means. As a result, it is plaintiff's position that DEFENDANTS MOORE and CORRIGAN caused the

unlawful and wrongful termination of plaintiff from his coaching positions.

Below, are statements of DEFENDANT MOORE urging the use of a “survey” of parents and players to evaluate whether Goertzen should be terminated:

“Please consider the input of current JV and past varsity girls soccer parents *in you survey*”.

“Hi Joe, many thanks for your systematic approach to collecting feedback on SSH coaches.”

“Since my impression is that the survey is what will determine your decision on the future of the girls’ varsity soccer coach position, I urge you to make sure you have all relevant opinions considered. Thanks for considering my views.”

“I am writing to urge you to allow parents of both current JV players and recent past players to complete the soccer coach survey. Without this feedback, your survey *results will not be complete or fair.*”

7. Despite having urged Goertzen’s termination, in a subsequent legal proceeding (14CV0061) DEFENDANTS MOORE offered a false declaration saying:

2. I had no part in the creation of a survey regarding the evaluation of Niklas Goertzen.

3. I was not consulted about the creation, adoption or use of a survey.

4. I did not suggest that a survey be used, or any other evaluation tool.

8. DEFENDANT MOORE has an established record of offering false statements under oath, and this must be considered in evaluating anything she offers in this proceeding.

9. After the Principal, Joe Hosang, fired Goertzen, he came to realize he had been misled by DEFENDANTS MOORE and CORRIGAN and that he should not have terminated Goertzen. In an email to his supervisor, Superintendent Jim Golden, Hosang said:

“ What’s pressing on my shoulders are the accusations that Merry [Ann Moore] and Cheryl manipulated the parents. Trying not to be defensive I do see this being a possibility as the survey did come from Cheryl and the people pushing for the survey were the soccer folks. While that was one piece of information, *it was a huge contributing factor for my decision this year. Sure there’s plenty of other info, but*

*if he had better evaluation I would've kept him for another year and tried to work with him."*

10. Since that time, Plaintiff Ard is informed and believes and thereon alleges that DEFENDANTS MOORE and CORRIGAN have separated or divorced and live today in separate households.

11. In case No. 14CV0061, Deschutes County Circuit Court, Goertzen complained of his unlawful termination, but initially was unsuccessful and was assessed adverse judgements which, over time, resulted in judgments (including statutory interest) totaling approximately in excess of \$200,000.

12. Goertzen appealed these judgments, but the initial appeals were denied. As Goertzen began preparing his appeal to the Oregon Supreme Court, the Oregon Court of Appeals ordered the matters into a Settlement Conference. As a result, a Mediation Agreement was approved by the parties, including DEFENDANTS MOORE and CORRIGAN and DEFENDANT OREGON STATE BAR wherein cash payments of approximately \$20,000 were paid by PLF and the referral agency to DEFENDANTS MOORE and CORRIGAN (and others), while Goertzen was permitted to vacate, and did cause to be vacated over \$200,000 in adverse judgments and interest. Further, DEFENDANT OREGON STATE BAR agreed

that it would take no further action against Plaintiff Ard as a result of the fact underlying the Settlement, which are, in violation off the Settlement Agreement, the facts that DEFENDANT OREGON STATE BAR has set forth in its unlawful complaint against Plaintiff Ard.

13. Notwithstanding the aforementioned Settlement Agreement, and in direct violation off the aforementioned provision barring any further claims, the Bar has instituted a complaint proceeding , Oregon Supreme Court Case No. 19-93.

14. In the aforementioned Mediation Agreement, the Bar, through its counsel Gordon Wellborn, agreed that it would not assert and could not assert any further claims against Plaintiff Ard (or his client, Mr. Goertzen) regarding any claims, known or unknown, related in any way to the events and facts set forth in Deschutes County Circuit Court Case Nos. 12CV0950 or 14CV0061. Included in this release of claims are the claims the Bar seeks to assert in this Complaint proceeding against Plaintiff Ard.

### **JURISDICTION AND VENUE**

15. The Court has jurisdiction over the subject matter of this complaint pursuant to 28 USC Sec 1331.

16. The Court has supplemental jurisdiction over plaintiff's state law claims pursuant to 28 USC Sec 1367(a) because the federal and state claims arose from the same common nucleus of operative facts and form part of the same case or controversy.

17. Venue is appropriate, pursuant to 28 USC Sec 1391(b) because the events underlying plaintiff's claims took place within the United States District Court for the District of Oregon, Portland Division.

### **PARTIES**

18. **DEFENDANT OREGON STATE BAR** is a public corporation defined in ORS 9.010 (2), authorized by law to admit and regulate persons as attorneys in the State of Oregon. Further, DEFENDANT OREGON STATE BAR also maintains a program for Pro Bono attorneys and admits persons to the Pro Bono Bar under the terms and conditions of that program. Further, DEFENDANT OREGON STATE BAR has adopted a code of ethics applicable to Oregon Attorneys (*see, e.g.*, Bar



Rule 4, *et seq.* DEFENDANT OREGON STATE BAR is located at 16037 SW Upper Boones Ferry Road, Tigard, Oregon 97224.

19. **DEFENDANT COURTNEY DIPPLE (DEFENDANT DIPPLE)** is an attorney in Oregon, Bar No. 022916, who works for DEFENDANT OREGON STATE BAR as disciplinary counsel charging and prosecuting Oregon attorneys for alleged ethic violations. (*e.g.*, for alleged violations of Rule 4 noted above). The address for her place of work is 16037 SW Upper Boones Ferry Road, Tigard, Oregon 97224.

20. **DEFENDANT MERRY ANN MOORE** is an individual who, to the best of PLAINTIFF ARD's knowledge and belief, resides at 6319 S.E. 45<sup>th</sup> Ave., Portland, Oregon 97206.

21. **DEFENDANT ROB CORRIGAN** is an individual who, to the best of PLAINTIFF ARD's knowledge and belief, resides 173 E Black Crater Ave., in Sisters, Oregon 97759.

**PLAINTIFF ARD's FIRST CLAIM FOR RELIEF AGAINST**  
**DEFENDANT OREGON STATE BAR - A DELIBERATE AND**

**INTENTIONAL DENIAL OF PLAINTIFF ARD'S RIGHT TO DUE**  
**PROCESS AND EQUAL PROTECTION UNDER THE LAW AS**  
**GUARANTEED BY FEDERAL DUE PROCESS AND EQUAL**  
**PROTECTION CLAUSE OF THE 14<sup>TH</sup> AMENDMENT TO THE UNITED**  
**STATES CONSTITUTION, TITLE VII OF THE 1964 CIVIL RIGHTS ACT**  
**(42 U.S.C. SEC 1981 AND 42 U.S.C. SEC 1983, HEREINAFTER**  
**REFERRED TO AS SECTION 1983 CLAIM), AND THE OREGON**  
**CONSTITUTION ART. 1, SEC 20 (HEREINAFTER REFERRED TO AS**  
**THE STATE EQUAL PRIVILEGES AND IMMUNITIES CLAIM), AND**  
**OREGON STATE BAR RULES, TITLE 4, RULES 4.1 *ET SEQ.***

22. Plaintiff incorporates as if fully set forth herein all of the allegations set forth in this complaint.

23. In taking the actions set forth herein, **DEFENDANT OREGON STATE BAR** represents to all attorneys and the public at large that it shall in all cases serve as a neutral arbiter when conducting trials, and in doing so it will not act out of bias or prejudice in favor of or against any person or entity who is a party to the trial.

24. In the case herein, Oregon Supreme Court Case No. 19-93, **DEFENDANT OREGON STATE BAR** acted with corrupt intent, conveying to PLAINTIFF ARD that while it would purportedly act fairly and honestly, instead it specifically intended at all times relevant herein to deny to PLAINTIFF ARD his rights to due process and equal protection under the law as guaranteed by federal due process and equal protection clause of the 14<sup>th</sup> Amendment to the United States Constitution, Title VII of the 1964 Civil Rights Act (42 U.S.C. Sec 1981 and 42 U.S.C. Sec 1983, hereinafter referred to as section 1983 claim), and the Oregon Constitution Art. 1, Sec 20 (hereinafter referred to as the state equal privileges and immunities claim), and Oregon State Bar Rules, title 4, Rules 4.1 *et seq.*

In fact it commenced proceedings intending to proceed with ethics charges against PLAINTIFF ARD without regard to the law and facts applicable to the case and fully intending to find PLAINTIFF ARD guilty of the alleged ethic violations regardless of what facts existed and regardless of what the prevailing law would otherwise require.

25. As a result of **DEFENDANT OREGON STATE BAR** actions as alleged herein, PLAINTIFF ARD has been injured, in that he has suffered humiliation and harm. Additionally, the Bar's actions have intentionally and deliberately damaged

Plaintiff Ard's reputation. As a result of the humiliation, harm and damage to PLAINTIFF ARD's reputation he seeks monetary damages in the amount of \$1.5 million dollars.

**PLAINTIFF ARD's SECOND CLAIM FOR RELIEF AGAINST**  
**DEFENDANT OREGON STATE BAR**  
**FRAUD AND DECIET**

26. Plaintiff incorporates as if fully set forth herein all of the allegations set forth in this complaint.

27. By law, **DEFENDANT OREGON STATE BAR** is charged with the responsibility of conducting trials in the case of allegations of ethics violations by Oregon attorneys. In performing this function, **DEFENDANT OREGON STATE BAR :**

a. Represents to all attorneys and the public at large that it shall in all cases serve as a neutral arbiter when conducting trials, and in doing so it will not act out of bias or prejudice in favor of or against any person or entity who is a party to the trial.

b. In the case of my trial (hereinafter PLAINTIFF ARD TRIAL) acted with corrupt intent, conveying to PLAINTIFF ARD that while it would purportedly act fairly and honestly, in fact it commenced proceedings intending to proceed with ethics charges against PLAINTIFF ARD without regard to the law and facts applicable to the case and fully intending to find PLAINTIFF ARD guilty of the alleged ethic violations regardless of what facts existed and regardless of what the prevailing law would otherwise require.

c. **DEFENDANT OREGON STATE BAR** knew at all times relevant herein that its representation of fairness was highly material, in that it knew PLAINTIFF ARD would proceed to trial not knowing that **DEFENDANT OREGON STATE BAR** had no intention of acting fairly and honestly, but, instead held an extreme bias prejudice against PLAINTIFF ARD and that it would act on this bias and prejudice to find him guilty of an allege ethics

violation regardless of what facts existed and regardless of what the prevailing law would otherwise require.

d. As alleged above in sub-paragraph “c.”, **DEFENDANT OREGON STATE BAR** knew at all times relevant herein that its representation to act as a neutral arbiter was false.

e. At all times relevant herein, **DEFENDANT OREGON STATE BAR** intended that PLAINTIFF ARD and any all persons who would participate in the proceeding would proceed to trial on the basis that the Bar would be fair arbiter when instead the **DEFENDANT OREGON STATE BAR** would proceed to trial to arrive at its predetermined outcome of guilt regardless of what facts existed and regardless of what the prevailing law would otherwise require.

f. At all times relevant herein, PLAINTIFF ARD relied on **DEFENDANT OREGON STATE BAR** false representation that the Bar would act fairly and impartially in reviewing PLAINTIFF ARD’s case, and PLAINTIFF ARD was justified in doing so.

g. As a result of **DEFENDANT OREGON STATE BAR** false assertion(s), as set forth herein, PLAINTIFF ARD has been injured, in that

he has suffered humiliation and harm. Additionally, the Bar's actions have intentionally and deliberately damaged Plaintiff Ard's reputation. As a result of the humiliation, harm and damage to PLAINTIFF ARD's reputation he seeks monetary damages in the amount of \$1.5 million dollars.

**PLAINTIFF ARD's THIRD CLAIM FOR RELIEF AGAINST**  
**DEFENDANTS MOORE AND CORRIGAN – ASSERTION OF FALSE**  
**STATEMENTS TO THE OREGON STATE BAR**  
**SO AS TO CAUSE THE BAR TO INITIATE A FALSE ETHICS CLAIM**  
**AGAINST PLAINTIFF ARD**

24. Plaintiff incorporates as if fully set forth herein all of the allegations set forth in this complaint.

25. **DEFENDANTS MOORE AND CORRIGAN**, made false statements to the Bar so as to cause the Bar to initiate an ethics complaint against PLAINTIFF ARD, to wit:

- a. **DEFENDANTS MOORE AND CORRIGAN** falsely claimed that PLAINTIFF ARD lacked any or sufficient facts and evidence to bring claims against Moore and Corrigan related to the firing of the Sisters High

School Girls soccer coach, Nik Goertzen. Further, that PLAINTIFF ARD falsely certified that there was a legitimate basis for bringing a Motion to Vacate an adverse judgment related to the Goertzen firing as well a legitimate basis for seeking appeals to the Oregon Court of Appeals to seek relief related to the Goertzen firing.

b. PLAINTIFF ARD is informed and believes and alleges thereon that **DEFENDANT OREGON STATE BAR** and **DEFENDANT DIPPLE** met secretly with **DEFENDANTS MOORE AND CORRIGAN** to concoct and fabricate a false story that would, unless challenged, serve as the basis for a false ethics complaint against PLAINTIFF ARD.

c. As a result of the actions described immediately above in sub-paragraphs (a) and (b) the **DEFENDANT OREGON STATE BAR** and **DEFENDANT DIPPLE** did in fact initiate such a false claim against PLAINTIFF ARD, and the matter is now pending before the Oregon Supreme Court as Disciplinary Case No. 93-19.

26. As a result of **DEFENDANTS MOORE AND CORRIGAN** false assertion(s), as set forth herein, PLAINTIFF ARD has been injured, in that he has suffered humiliation and harm. Additionally, the Bar's actions have intentionally



and deliberately damaged Plaintiff Ard's reputation. As a result of the humiliation, harm and damage to PLAINTIFF ARD's reputation he seeks monetary damages in the amount of \$1.5 million dollars.

**PLAINTIFF ARD's FOURTH CLAIM FOR RELIEF AGAINST**  
**DEFENDANTS MOORE AND CORRIGAN, and DEFENDANT OREGON**  
**STATE BAR and DEFENDANT DIPPLE – OBSTRUCTION OF JUSTICE**

27. Plaintiff incorporates as if fully set forth herein all of the allegations set forth in this complaint.

28. In taking the actions set forth herein, the above-named defendants

**(DEFENDANTS MOORE AND CORRIGAN, and DEFENDANT OREGON**

**STATE BAR and DEFENDANT DIPPLE)** acted to prevent fair and honest

review of Case No. 19-93, as set forth herein, and its doing so constituted

obstruction of justice, in further violation of Plaintiff Ard's right to due process

and equal protection under the law as guaranteed by federal due process and equal

protection clause of the 14<sup>th</sup> amendment to the United States Constitution, Title VII

of the 1964 civil rights act (42 USC Sections 1981 and 1983, hereinafter referred to

as section 1983 claim), and the Oregon Constitution Art. 1, Sec 20 (hereinafter

referred to as the state equal privileges and immunities claim), and Oregon State Bar Rules, Title 4, Rules 4.1 *et seq.*

29. As a result of **DEFENDANTS MOORE AND CORRIGAN** and **DEFENDANT OREGON STATE BAR** and **DEFENDANT DIPPLE**

obstruction of justice, as set forth herein, PLAINTIFF ARD has been injured, in that he has suffered humiliation and harm. Additionally, the Bar's actions have intentionally and deliberately damaged Plaintiff Ard's reputation. As a result of the humiliation, harm and damage to PLAINTIFF ARD's reputation he seeks monetary damages in the amount of \$1.5 million dollars.

WHEREFORE, PLAINTIFF ARD respectfully asks that the Court:

1. Assume jurisdiction over each of the claims set forth herein.
2. Order Defendants, and each of them individually, to pay plaintiff an award of compensatory damages for emotional injury, pain and suffering, mental anguish, humiliation, embarrassment, and loss of enjoyment of life in an amount not less than \$1,500,000 dollars, or such further amounts proved at trial and awarded by the jury.

3. Order Defendants, and each of them, as permitted by law, to pay plaintiff an award of punitive damages.

5. Award plaintiff, as permitted by law, his costs of suit and his reasonable attorney fees, costs, including expert witness fees, pursuant to 42 USC Sec 1988 and the Oregon Constitution, Article 1, Sec 20.

DATED: this \_\_\_\_9th\_\_\_\_ day December, 2020.

/s/Marlin D Ard

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Email: [maratty66@gmail.com](mailto:maratty66@gmail.com)  
Attorney for Plaintiff

### **CERTIFICATE OF SERVICE**

I hereby certify that on the date shown below, I caused true and correct copies of the foregoing **COMPLAINT** to be served on the defendants herein as follows:

\_\_\_X\_\_\_ By personal service on the defendants herein, listed below;

and by

19 PLAINTIFF'S COMPLAINT  
Case No. 3:20-cv-02143

Marlin Ard  
924 E Coyote Springs Rd  
Sisters, Oregon 97759  
541-915-9170  
[maratty66@gmail.com](mailto:maratty66@gmail.com)

\_\_X\_\_ U.S. Mail, First Class, Postage Prepaid on the date set forth below, and by email to the Bar's disciplinary counsel, Courtney Dipple, at the email address shown below:

OREGON STATE BAR  
Courtney C Dippel  
Disciplinary Counsel's Office  
16037 SW Upper Boones Ferry Road  
PO Box 231935  
Tigard, Oregon 97224  
[cdippel@osbar.org](mailto:cdippel@osbar.org)

OREGON STATE BAR  
Disciplinary Board Clerk  
16037 SW Upper Boones Ferry Road  
PO Box 231935  
Tigard, Oregon 97224

ROBERT CORRIGAN  
173 E Black Crater Ave.  
Sisters, Oregon 9759

MERRY ANN MOORE  
6319 SE 45<sup>TH</sup> AVE  
Portland, Oregon 97206

OREGON STATE BAR  
16037 SW Upper Boones Ferry Road  
PO Box 231935  
Tigard, Oregon 97224

DATED: Dec 9, 2020

\_\_\_\_/s/\_\_\_\_MARLIN ARD\_\_\_\_\_